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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Impact and empowerment: the role of gender in the Non-Proliferation Treaty

Working paper submitted by Ireland

Background

1. In the preamble to the Treaty on the Non-Proliferation of Nuclear Weapons, the States parties to the Treaty, in its first paragraph, consider "the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples". When the States parties agreed in 1995 to the indefinite extension of the Treaty, the decision on principles and objectives for nuclear non-proliferation and disarmament included a reaffirmation of the preamble and provisions of the Treaty. The provision of regular reports within the framework of the strengthened review process, agreed upon in 1995, with respect to the implementation of article VI was included in the 13 practical steps in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Final Document of the 2010 Review Conference expressed "deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons" and reaffirmed "the need for all States at all times to comply with applicable international law, including international humanitarian law"

2. This clear and reiterated humanitarian impetus for our Treaty was reinforced by the terms of the 1996 advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, which observed that:

> The destructive power of nuclear weapons cannot be contained in either space or time. They have the potential to destroy all civilization and the entire ecosystem of the planet.
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> ...
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> In order correctly to apply to the present case the Charter law on the use of force and the law applicable in armed conflict, in particular humanitarian law, it is imperative for the Court to take account of the unique characteristics of nuclear weapons, and in particular their destructive capacity, their capacity to cause untold human suffering, and their ability to cause damage to generations to come.

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The advisory opinion of the International Court of Justice in this matter is also recalled in the 13 practical steps adopted at the 2000 Review Conference.

3. Ireland has engaged with determination and commitment in the Non-Proliferation Treaty review process and does so again on this occasion. We believe firmly in the humanitarian impetus behind the Treaty and its commitment to nuclear disarmament and non-proliferation. We have therefore welcomed the renewed impetus and focus, since the adoption of the 2010 outcome document, on the humanitarian impact of nuclear weapons, in particular the new information that has been made available with regard to the serious and imminent risks and catastrophic consequences of any nuclear weapons detonation. The three conferences held between 2013 and 2014 in Oslo, Nayarit, Mexico, and Vienna, as well as the work presented at the 2013 and 2016 open-ended working groups, have shown clearly that nuclear disarmament in accordance with article VI is urgent and necessary.

4. Ireland was centrally involved in the United Nations-mandated multilateral treaty negotiations in New York that led to the adoption of the Treaty on the Prohibition of Nuclear Weapons in July 2017. The preamble of the Treaty recognizes that the equal, full and effective participation of both women and men is an essential factor for the promotion and attainment of sustainable peace and security, and commits to supporting and strengthening the effective participation of women in nuclear disarmament. It also recognizes that nuclear weapons "have a disproportionate impact on women and girls, including as a result of ionizing radiation". Reflecting best practice, the Treaty also contains a specific provision in article 6 (1), which commits States parties, with respect to individuals under their jurisdiction who are affected by the use or testing of nuclear weapons, in accordance with applicable international humanitarian and human rights law, to adequately provide age- and gender-sensitive assistance, without discrimination, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion.

5. As a non-nuclear-weapon State, we believe that every opportunity to seek progress in nuclear disarmament must be seized. Our view is that the Treaty on the Prohibition of Nuclear Weapons strengthens and reinforces the disarmament provisions of the Non-Proliferation Treaty, and we encourage all States parties to the Non-Proliferation Treaty and all States Members of the United Nations to join. Equally, we trust that this review cycle and its outcome will also provide a stimulus for action. The Non-Proliferation Treaty is not a charter for the indefinite retention of nuclear weapons, and the heightened regional and international tensions we are currently witnessing make the case for action on multilateral nuclear disarmament even more urgent than before.

Gender, empowerment and nuclear weapons

6. The present working paper builds on the working paper on gender, development and nuclear weapons submitted by Ireland for the 2017 Preparatory Committee, which highlighted the issue of gender in the context of the humanitarian initiative and from the viewpoint of women's participation in negotiating forums on nuclear disarmament. For the first time in the context of the Treaty, the factual summary of the Chair of the 2017 Preparatory Committee made reference to both the research on the strongly gendered impact of ionizing radiation from nuclear weapons and on the low participation of female delegates in nuclear disarmament discussions such as the Non-Proliferation Treaty review cycle.

7. The research conducted by the International Law and Policy Institute and the United Nations Institute for Disarmament Research in their paper on gender,

development and nuclear weapons[1] underpins the conclusions in the working papers submitted by Ireland to the Preparatory Committee. Ireland has consistently sought to bring international attention to the important findings of that research. It was first presented during a side event of the First Committee of the General Assembly in October 2016 and was relaunched by the United Nations Institute for Disarmament Research, Sweden and Ireland during the 2017 meeting of the Preparatory Committee. The issues were further highlighted at meetings of the First Committee in 2017, in a joint statement delivered on behalf of 43 States under the disarmament machinery. Ireland also made its own national statement in that context, where we focused on the engagement and participation of women in disarmament discourse.

8. Our original inspiration for this work comes from the presentation made by Mary Olson, of the Nuclear Information and Resource Service, to the Vienna Conference on the Humanitarian Impact of Nuclear Weapons in December 2014.[2] In that work, and in a subsequent presentation made at a side event organized by Ireland during the 2015 Review Conference, Ms. Olson demonstrates the clear scientific evidence showing that ionizing radiation does not affect men and women equally. In a paper on gendered impacts produced for the Vienna Conference by the International Law and Policy Institute and the United Nations Institute for Disarmament Research, A.G. Dimmen also highlights this important topic.[3] While the detonation of one or more nuclear weapons would cause death on a massive scale and injury to all, the evidence is clear that, over the longer term, of those who are exposed to ionizing radiation from such a detonation, women and girls have a far higher risk of developing cancer than men or boys. Whatever the ultimate biological cause of this greater susceptibility, the evidence is unambiguous. In a longitudinal study of survivors of Hiroshima and Nagasaki, the risk of developing and dying from cancer due to ionizing radiation was almost twice as high for women as for men.

9. Ireland considers that this serious humanitarian aspect of nuclear weapons risk is one that the Non-Proliferation Treaty review process has not given sufficient consideration up to now. With the research now available and the strong evidence that the detonation of these weapons causes far greater harm to the health of women and girls than to men and boys, we must approach our commitments to the disarmament of nuclear weapons with due regard also to our commitments under humanitarian law, to sustainable development, to gender equality under the women and peace and security agenda. We cannot continue to maintain, modernize and improve weapons that are now known beyond any scientific doubt to have disproportionate gendered impacts on women.

10. For this reason, Ireland considers that the significant humanitarian question of the disproportionate effect of a nuclear weapons detonation on women and girls must be reflected in the outcome document of this Non-Proliferation Treaty review cycle. This is a significant aspect of any nuclear weapons detonation, one deserving of far greater attention from States parties to the Treaty than has been the case up to now.

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[1] International Law and Policy Institute and United Nations Institute for Disarmament Research, "Gender, development and nuclear weapons: shared goals, shared concerns", joint paper presented at the General Assembly in October 2016. Available from http://www.unidir.org/files/publications/pdfs/gender-development-and-nuclear-weapons-en-659.pdf.

[2] Mary Olson, "Nuclear: war of human consequences", presentation to the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, December 2014, p. 34. Available from www.nirs.org/international/olsontalkvienna12414.pdf.

[3] A.G. Dimmen, "Gendered impacts: the humanitarian impacts of nuclear weapons from a gender perspective", paper No. 5 of 6 of the International Law and Policy Institute-United Nations Institute for Disarmament Research conference series. Available from ilpi.org/publications/gendered-impacts-the-humanitarian-impacts-of-nuclear-weapons-from-a-gender-perspective/.

11. There have been welcome signs of progress recently in other disarmament forums. The gender provisions of the Treaty on the Prohibition of Nuclear Weapons have already been highlighted above. There are various initiatives on gender and disarmament across multilateral missions, including a Women in Nuclear chapter in Vienna, where Ireland's Ambassador is a member of the International Gender Champions group. In Geneva, Ireland's Permanent Representative is also an International Gender Champion and is working with colleagues on the establishment of a new gender and disarmament impact group. Within the European Union, a key priority is now to ensure a focus on gender and disarmament and advance the women and peace and security agenda while implementing its strategies on weapons of mass destruction and small arms and light weapons. Gender issues also feature heavily in conventional disarmament. With the entry into force of the Arms Trade Treaty in 2014, Ireland and other States parties acknowledged that gender-based violence is a consequence of the arms trade and that it has a disproportionate impact on women and children, and agreed to enforce an export control regime that would incorporate risk assessments for gender-based violence. Article 7 (4) of the Arms Trade Treaty marked the first time gender-based violence has been explicitly recognized in an arms control treaty. Ireland has submitted a working paper to the Third Conference of States Parties to the Arms Trade Treaty and looks forward to further work in this respect.[4] At the Preparatory Committee for the Third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York in 2018, Ireland and other Member States highlighted issues relating to gender and their intention to enhance information-sharing and data collection on issues relating to gender and the illicit trade in small arms and light weapons. As the Non-Proliferation Treaty enters its fiftieth year, it must engage with this important issue in a meaningful and effective manner and reflect the discussion in the summaries of Preparatory Committee meetings and final documents of review conferences.

Women's participation in negotiations on nuclear weapons

12. Ireland also wishes to use the opportunity of the present working paper to highlight another aspect of gender and nuclear weapons, the question of women's participation in negotiating forums. This is particularly important in nuclear disarmament, where the paper by the International Law and Policy Institute and the United Nations Institute for Disarmament Research shows clearly that women continue to be seriously underrepresented in nuclear disarmament work, including at First Committee meetings and Non-Proliferation Treaty review meetings. The disparity is even worse if we study groups of governmental experts working on nuclear disarmament-related matters.

13. Ireland has committed strongly to a gender perspective in our disarmament work. A focus on gender equality has been a cross-cutting issue for Ireland's foreign policy, in line with Security Council resolution 1325 (2000), for many years. This is particularly reflected in our work on human rights, conflict prevention and post-conflict rehabilitation, as well as our work to promote sustainable development. In 2015, our second national action plan on women, peace and security, following a wide public consultation process, included for the first time specific commitments to support the inclusion of a gender perspective and the effective participation of women in disarmament, non-proliferation and arms control.

[4] Working paper presented by Ireland to the Conference of States Parties to the Arms Trade Treaty: Article 7 (4) and gender-based violence assessment. Available thearmstradetreaty.org/images/CSP3_Documents/Conference_Documents/Working_Paper_ATT.CSP3.2017.IRL.183.Conf.WP.pdf.

14. Ireland considers this matter to be of key importance for its work in the context of the Non-Proliferation Treaty. This is, in the first instance, from the principle of fairness, that women should be equally engaged in discussions on weapons which affect them so disproportionately, both biologically and taking into account the wider gendered impacts of conflict, which are also addressed in the paper by the International Law and Policy Institute and the United Nations Institute for Disarmament Research. These broader questions of displacement, discrimination and social stigma are also important in this context.

15. Recognizing that the underlying trend for women's engagement in disarmament forums is improving, although slowly, Ireland would encourage States that can do so to empower, assist and sponsor qualified women participants in nuclear disarmament forums and to take gender diversity into account in the composition of their delegations.

16. Studies show that diversity and differing perspectives make group prediction and problem-solving more effective. Fifty years after the adoption of the Non-Proliferation Treaty, and with a failure to agree on an outcome document in 2015, this review cycle offers us an opportunity for more effective discussions and outcomes. Ireland reiterates its call for a conscious and genuine commitment to improving women's engagement and participation in the work relating to the Treaty. It is a common-sense approach that will result in a more inclusive, positive and representative review process.

Conclusion

17. The imbalance in our Non-Proliferation Treaty meetings at present serves to limit our ability to succeed. Improving the engagement and participation of women will provide fresh perspectives and inject further impetus into our work, which takes on greater significance in this landmark anniversary year for the Treaty. Fulfilling the promise of nuclear disarmament set out by the original drafters of the Treaty and reiterated unequivocally in 2000 and 2010 must be our top priority. Midway through this review cycle, we must keep in mind that nuclear weapons and the devastation that would be unleashed by their use would destroy our shared global goals and aspirations. Any nuclear weapons detonation, whether accidental or deliberate, would have a significant impact on development, gender equality, health, the protection of cultural heritage and the environment. A wider-scale event would wreak devastation for generations. In the present working paper and across our "missing links" papers, Ireland has sought to bring attention to the gendered impact of nuclear weapons and to the need to increase women's participation in nuclear disarmament negotiations. But we are also cognizant of the wider developmental and environmental concerns that nuclear weapons pose for our ever more fragile planet.

18. Fifty years after the adoption of the Non-Proliferation Treaty, and with a view to the twenty-fifth anniversary of its extension in 2020, Ireland wishes to emphasize to our Treaty partners that the participation and engagement of women is not simply a "nice to have", but rather a "must have"; it is essential if we are to achieve meaningful progress on our collective goals.